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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/823,935

03/30/2001

James R. Peterson

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05/22/2009

DORSEY & WHITNEY LLP  
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EXAMINER

WANG, JIN CHENG

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/823,935	<b>Applicant(s)</b> PETERSON ET AL.	
	<b>Examiner</b> JIN-CHENG WANG	<b>Art Unit</b> 2628	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-6, 14, 20, 21, 23 and 25-32.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Below.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Jin-Cheng Wang/  
 Primary Examiner, Art Unit 2628

Continuation of Item 3(a) and 11:

The Claim 23 is anticipated by Deering.

Deering discloses in Fig. 5A the variable sampling rates for pixels along the horizontal direction wherein the sampling rate differing for at least two pixels of the image. See also Fig. 23 wherein the first sampling pattern corresponds to the pattern for the interpolated pixels and the second sampling pattern corresponds to the pattern for the filtered pixels; the sampling rate remaining constant for consecutive pixels arranged along any given vertical line parallel to the vertical axis and varying between the first and second sampling rates for consecutive pixels arranged along any given horizontal line parallel to the horizontal axis.

Applicant argues in essence with respect to the art rejection. In response, Leather teaches in the block 550b of Fig. 6A creating a multi-sample coverage mask for enabling/disabling samples based on portion of a pixel occupied by a primitive and primitive data. Leather teaches calculating less than three sample values with only two enabled sample values. Leather teaches determining a pixel value by combining all the three sample values with the enabled sample values calculated while the disabled sample values are ignored. Thus, Leather teaches determining a pixel value for each pixel by combining all the sample values calculated for the pixel with the disabled samples ignored. Every sampling location of the sampling pattern for the pixel having a corresponding sample value for the combination. Leather teaches using a multi-sample coverage mask for enabling/disabling the three samples per pixel of Fig. 5A to calculate the two enabled samples in block 552 of Fig. 6A using programmed weight coefficients wherein the enabled samples are less than three. Leather thus teaches calculating the enabled sample values (inherently less than or equal to three) based on the sampling pattern of Fig. 5A using the multi-sample coverage mask which allows less than three enabled sample values be calculated in the block 552 of Fig. 6A. **ONLY ENABLED SAMPLES ARE CALCULATED FOR THE PIXEL COLOR DATA USING WEIGHT COEFFICIENTS (SEE FIG 6A).** Disabled samples are ignored in the calculation of the pixel color data. Leather still teaches determining a pixel value based on a combination of the three sample values because the one disabled sample is ignored. Leather's two enabled samples per pixel in Fig. 7 meet the claimed "less than three sample values". Leather's sampling pattern with two enabled samples per pixel in Fig. 7 meets the claimed sampling pattern. Leather teaches a first sampling pattern of the enabled samples for the first pixel in the first row of Fig. 7 and a second sampling pattern of the enabled samples for the second pixel in the first row of Fig. 7 wherein the enabled samples are covered by the primitive 612. **ONLY ENABLED SAMPLES ARE CALCULATED FOR THE PIXEL COLOR DATA USING WEIGHT COEFFICIENTS.** Disabled samples are ignored in the calculation of the pixel color data. Leather teaches the first sampling pattern of the two enabled pixels corresponds to the second sampling pattern of the two enabled pixels rotated by 90 degree.